

R E M A R K S

Reconsideration of this application is respectfully requested.

RE: THE DRAWINGS

It is noted that the drawings have still not been indicated to be accepted by the Examiner in item 10 of the Office Action Summary. It is respectfully requested that the Examiner confirm that the drawings are accepted.

RE: THE EXAMINER'S REFERENCES TO 35 USC 102(e)

At the top of page 2 of the Office Action, the Examiner correctly refers to MPEP 201.13 (Right of Priority of Foreign Application), and the Examiner correctly notes on page 3 of the Office Action that accurate English translations of the priority documents were not submitted with the Amendment filed on March 23, 2007. The failure to submit the accurate English translations of the priority applications was inadvertent, and the accurate English translations of the priority applications relied upon are submitted herewith as noted below.

Also on page 2 of the Office Action the Examiner refers to, and emphasizes, various requirements for a reference to be applied as of its filing date (35 USC 102(e)). And on page 3 of the Office Action the Examiner asserts that the present

application is not entitled to its priority dates because "it is not clear that the applicant designated the U.S. or had the earlier application published in English."

It is respectfully pointed out that the reliance by the Examiner on 35 USC 102(e) when determining the right of priority of the present application under 35 USC 119 is incorrect. As explained in MPEP 706.02(f), "35 U.S.C. 102(e), in part, allows for certain prior art (i.e., U.S. patents, U.S. patent application publications and WIPO publications of international applications) to be applied against the claims as of its effective U.S. filing date." And as explained in MPEP 706.02(f)(1), a reference resulting from or claiming the benefit of, an international application, must meet certain requirements mentioned by the Examiner on page 2 of the Office Action in order to qualify as a reference under 35 USC 102(e).

It is respectfully pointed out, however, that these requirements relate to determining whether an application is a reference under 35 USC 102(e) against another application, and are irrelevant to determining whether the present application is itself entitled to its claimed priority date.

RE: THE EXAMINER'S REFERENCE TO PRE-AIPA 35 USC 102(e)

On page 3 of the Office Action, the Examiner asserts that the date that the cited reference (US 2003/0131083) is available

as a reference must be determined based on the pre-AIPA version of 35 USC 102(e). It is respectfully pointed out, however, that US 2003/0131083 was filed in the U.S. after November 29, 2000, and is not based directly or indirectly on an international application. Therefore, the Examiner's assertion that the reference date must be determined based on the pre-AIPA version of 35 USC 102(e) is incorrect.

RE: THE PRIORITY CLAIM (35 USC 119)

As recognized by the Examiner, accurate English translations of the priority application referred to in the Amendment filed on March 23, 2007 were inadvertently not submitted.

Submitted herewith are the accurate English translations of JP 2002-324757, JP 2002-324781 and JP 2002-343724 (three of the four applications whose priority is claimed by the present application) to show that the subject matter of the claimed present invention as set forth hereinabove is entitled to the priority dates of November 8, 2002 or November 27, 2002 (which are earlier than the U.S. filing date of Inui et al).

As explained in the Supplemental Amendment filed on April 23, 2007, for the Examiner's reference in considering the accurate English translations of the priority documents, the

claims are considered to correspond to the priority documents at least as follows:

Claims 1-7, 13-19 and 28 : JP 2002-324781
Claims 8-10 and 20-24 : JP 2002-324757
Claims 11, 12 and 25-27 : JP 2002-343724.

US 2003/0131083 ("Inui et al") has a filing date of December 26, 2002, which is after the November 8 and November 27, 2002, priority dates of the present application to which the claims are entitled as explained above.

Accordingly, it is respectfully submitted that Inui et al was not filed "before the invention" of the claimed present invention, as required by 35 USC 102(e), and it is respectfully requested that Inui et al be withdrawn as a reference against the claimed present invention.

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In view of the foregoing allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

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